



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
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Northampton, MA 01060
(413) 587-1212

COMMISSIONERS

Natasha Yakovlev, Chair
Helen Kahn

Executive Assistant

Annie Lesko
alesko@northamptonma.gov

MEETING MINUTES

Wednesday, December 1, 2021

Virtual Meeting

4:00 p.m.

The December 1, 2021, License Commission meeting was held via remote participation.

Join Virtual Meeting

- Video Conference: <https://us06web.zoom.us/j/83280910394?pwd=eXRNZXFnanBCSnZab2JQb0JiWko2UT09>

OR

- Telephone, call: +1-929-436-2866, Meeting ID: 832 8091 0394, Password: 382783

1. **MEETING CALLED TO ORDER** by Commissioner Yakovlev at 4:02 p.m.

ROLL CALL - Commissioners Yakovlev and Kahn were both present

ANNOUNCEMENT OF ZOOM RECORDING made by Commissioner Yakovlev

2. **PUBLIC COMMENT** - None

3. **APPLICATION FOR SHORT TERM LIQUOR LICENSE**

The Academy of Music, Inc., 274 Main Street

Date/Time: December 1, 2021, 7-11 p.m.

Event: Sarah Jarosz

Type: Wine & Malt

Requested Fee Waiver

Melissa Cleary Pearson was present for this application and explained that everything will be the same as usual.

Commissioner Kahn moved to approve the short term liquor license for The Academy of Music, Inc. for December 1, 2021. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

4. **APPLICATION FOR A CHANGE OF MANAGER ON AN ANNUAL WINE & MALT PACKAGE STORE LICENSE**

Pride Stores, LLC d/b/a Pride, 375 King St.

Proposed Manager: Cecile Humphrey

Ray S(inaudible) and Cecile Humphrey were both present for this application and Ray noted that Cecile has been with the company for a number of years and is responsible, TIPS certified and the right person for the job.

Commissioner Yakovlev moved to approve the change of manager on an annual wine & malt package store license held by Pride Stores, LLC to Cecile Humphrey. Commissioner Khan seconded. The motion passed unanimously 2-0.

5. **APPLICATION FOR A NEW COMMON VICTUALLER LICENSE**

Wild Chestnut Cafe, LLC

Rosalie Black and Melissa LaCharitie were both present for this application and stated that they are opening a new vegan cafe in the same space that Cafe Evolution was in. Melissa worked at Cafe Evolution and Rosalie worked at Pulse Cafe and have worked in the industry for years.

Commissioner Kahn moved to approve the application for a new common victualler license for Wild Chestnut Cafe, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

6. PUBLIC HEARING ON AN APPLICATION FOR TRANSFER OF LICENSE ON AN ANNUAL WINE & MALT RESTAURANT LICENSE

Transfer from: Belly of the Beast, Inc.
Transfer to: Wine Witch, LLC
Proposed Manager: Michael Angelo Wescott

Commissioner Yakovlev moved to open the public hearing at 4:09 p.m. Commissioner Kahn seconded and the public hearing was opened.

There was no public comment.

Michael Angelo Wescott was present and stated he is planning to open a wine bar and eatery at 159 Main Street. Dave Greeman was also present for this application.

Commissioner Yakovlev moved to close the public hearing at 4:10 p.m. Commissioner Kahn seconded and the public hearing was closed.

Commissioner Kahn moved to approve the application for transfer of license on an annual wine and malt restaurant license to Wine Witch, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by a roll call vote.

7. PUBLIC HEARING ON AN APPLICATION FOR TRANSFER AND PLEDGE OF LICENSE ON AN ANNUAL ALL ALCOHOL GENERAL ON PREMISES LICENSE

Transfer from: VKAN, Ltd. d/b/a Bishop's Lounge
Transfer to: 41 Strong, LLC d/b/a Bishop's Lounge
Proposed Manager: Carla Racine

Agenda item #8 was taken prior to this agenda item.

Commissioner Yakovlev moved to open the public hearing at 4:16 p.m. Commissioner Kahn seconded and the public hearing was opened.

Attorney Shimel and Carla Racine were both present for this application. Carla is the sole member of the LLC and will still be doing business as Bishop's Lounge on the 3rd and 4th floor of the building. Attorney Shimel questioned whether the Common Victualler license and Entertainment license was included in this agenda item.

Carla Racine noted that 41 Strong Avenue has historically been a cultural staple in the community and is one of the last independent venues in Northampton and the entertainment aspect of Bishop's lounge is very important. Entertainment is held five days a week now with a very culturally diverse line-up.

Commissioner Yakovlev suggested approving the entertainment license and common victualler license contingent upon reviewing the paperwork.

Commissioner Yakovlev moved to close the public hearing at 4:23 p.m. Commissioner Kahn seconded and the public hearing was closed.

Commissioner Kahn asked for a synopsis of the proposed entertainment.

Carla Racine explained that she would like the entertainment license to include all genres of live performances such as music, dance, poetry, art, multimedia, etc., for seven days a week.

Commissioner Yakovlev moved to approve the application for transfer and pledge of license on an annual all alcohol general on premises license to 41 Strong, LLC d/b/a Bishop's Lounge and approval of the entertainment license and common victualler license contingent upon review of the submitted applications. Commissioner Kahn seconded. The motion passed unanimously 2-0.

8. APPLICATION FOR A NEW ENTERTAINMENT LICENSE

River Valley Market, LLC

Proposed Entertainment: 12 p.m. - 5 p.m., weekends

Occasional live music for special events

Evan Lash, facilities manager for River Valley Market, was present and stated that they want to be able to have music in the parking lot for occasional special events like birthday celebrations. Evan noted that the entertainment will sometimes be amplified but there are granite walls on all three sides of the parking lot and there have never been complaints from the neighbors.

Commissioner Kahn moved approval of the application of the entertainment license for River Valley Market, LLC to include occasional live music for special events on weekends from 12 p.m. to 5 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 2-0 by a roll call vote.

9. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Building 8 Brewing

Type: Wine & Malt

Location: 130 Pine St., Florence

Events: Live Music @ Bombyx

Date/Time: December 8, 2021, 6 p.m. - 10 p.m.

Date/Time: December 10, 2021, 6 p.m. - 10 p.m.

Date/Time: December 18 & 19, 2021, 6 p.m. - 10 p.m.

O'Brian Tomalin was present for these applications and stated he will be serving at additional events at Bombyx this month.

Commissioner Kahn moved to approve the applications for short term liquor licenses for Building 8 Brewing for December 8, December 10 and December 18 & 19, 2021. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

10. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

The Academy of Music, Inc., 274 Main St.

Date/Time: December 30, 2021, 6 p.m. - 12 a.m.

Event: Bob Marley

Type: Wine & Malt

Fee: Request Fee Waiver

Melissa Cleary was present for this application and asked the Commission to amend the license start time to 4:30 p.m.

Commissioner Yakovlev moved to approve the short term liquor license for The Academy of Music, Inc. for December 30, 2021, from 4:30 p.m. to 12 a.m. Commissioner Kahn seconded. The motion passed unanimously 2-0.

11. REQUEST TO AMEND A PREVIOUSLY APPROVED SHORT TERM LIQUOR LICENSE

The Academy of Music, Inc., 274 Main St.
NEW Date/Time: Saturday, December 18, 2021, 7 p.m. - 11 p.m.
Type: Wine & Malt
Event: Sweetback Sisters

Melissa Cleary was present for this application and stated that the original date was December 19 but the show will now be held on December 18.

Commissioner Kahn moved to approve the previously approved short term liquor license to the new date of December 18, 2021. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

12. REQUEST TO RESCIND A PREVIOUSLY APPROVED SHORT TERM LIQUOR LICENSE

The Academy of Music, Inc. 274 Main St.
Date/Time: November 15, 2021, 7 p.m. - 11 p.m.
Event: Friends, the Musical
Type: All Alcohol

Commissioner Yakovlev moved to rescind the previously approved short term liquor license for the Academy of Music on November 15, 2021. Commissioner Kahn seconded. The motion passed unanimously 2-0.

13. DISCUSSION OF ENTERTAINMENT DECIBEL LEVEL LIMITS AND ENTERTAINMENT LICENSE GUIDELINES

- Report from Commissioners

Commissioner Yakovlev stated that she doesn't believe that applying blanket regulations to all entertainment license holders is prudent because there have only been ongoing issues with one establishment. There was one noise complaint that was resolved by the neighbor and business owner working together and the most recent complaint didn't even make it to the Commission because the establishment was notified of the complaint and rectified the issue right away.

Commissioner Kahn stated that she reached out to the Town of Montague and learned that in 2016 the Selectboard implemented a detailed set of regulations for outdoor entertainment and the reason it did so was because of one establishment and numerous complaints from the neighbors. Ultimately, the establishment ended up moving all of the entertainment back inside. However, when the doors and/or windows were open, there were more complaints. During the process, questions were raised about who would measure the decibels and it turned out that the chair of the Selectboard went out with a decibel reader, along with all of the neighbors who all purchased their own decibel readers. Commissioner Kahn concluded by saying she doesn't feel like it's right to punish all entertainment license holders because of one establishment.

Commissioner Yakovlev pointed out some lingering questions such as, who has the authority to count decibels, where do complaints originate, who is responsible for measuring decibels. In asking these questions, Commissioner Yakovlev was reminded of the Majestic Saloon noise complaint and how the process started with the building department because it has oversight over noise ordinances. Commissioner Yakovlev does not think the License Commission should be setting these parameters and believes it should be relying on city ordinances. Commissioner Yakovlev also believes that the Commission should deal with complaints as they come in on a case by case basis.

Commissioner Kahn noted that the noise ordinance for business and commercial institutions from 7 a.m. to 10 p.m. is 65 decibels is not loud and more like a restaurant conversation.

Commissioner Yakovlev opined that she doesn't think it's fair to limit one establishment to something and would much rather rely on the course the city takes with noise complaints.

Commissioner Kahn noted, for the record, that she doesn't appreciate that it's only two Commissioners making the decision and would much rather take each complaint on a case by case basis as opposed to attaching the decibel limit to every entertainment license holder.

Commissioner Yakovlev stated that it's important to point out that the establishment in question still has an active entertainment license with a very lively indoor entertainment venue. She concluded by saying for the purposes of this agenda item, the Commission will not be moving forward with creating blanket entertainment license regulations.

14. REPORT FROM BUILDING COMMISSIONER ON ANNUAL LIQUOR LICENSE INSPECTIONS

Commissioner Yakovlev read the report from the Building Commissioner:

As of November 23, the Fire Department and the Building Department have completed the first and second rounds of inspections for the 2021 on-premises annual liquor licenses and have begun the re-inspections.

We have inspected all of the 60 on-premises establishments.

52 establishments have passed. 5 have outstanding issues and 3 have not been inspected.

We have contacted the 3 establishments that have not been inspected and have learned that they are closing their business.

We have contacted the 5 establishments that need re-inspections and anticipate finishing by 12/03/2020.

None of the outstanding issues are significant. We anticipate that all establishments will have passed inspection before the year is over.

15. REQUEST APPROVAL OF ANNUAL 2022 LIQUOR LICENSE RENEWALS AND DISCUSSION OF RENEWAL ISSUES

Annual Package Store Licenses

Annual Liquor Licenses, contingent upon Certificate of Inspection; with the following exceptions:

Freedom Post 28, Inc. d/b/a American Legion

Commissioner Yakovlev moved to approve the annual 2022 package store liquor license renewals.

Commissioner Kahn seconded. The motion passed unanimously 2-0.

Commissioner Yakovlev moved approval of the annual 2022 on-premises liquor license renewals contingent upon certificate of inspections. Commissioner Kahn seconded. The motion passed unanimously 2-0.

Commissioner Yakovlev moved approval of Freedom Post 28, Inc. d/b/a American Legion on-premises license contingent upon returning in six months to update the Commission on its plans. Commissioner Kahn seconded. The motion passed unanimously 2-0.

16. REQUEST APPROVAL TO RENEW AND ISSUE 2022 LICENSES PENDING RECEIPT OF ALL APPROPRIATE DOCUMENTS

Common Victualler

Auto Amusement
Entertainment
Innholder
Lodging
Car Dealer (Class I, II & III)

Commissioner Kahn moved approval to renew and issue 2022 common victualler, auto amusement, entertainment, innholder, lodging and car dealer (class I, class II, class III) licenses pending receipt of all appropriate documents. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

17. APPROVAL OF 2022 LICENSE COMMISSION MEETING SCHEDULE

At the moment, Wednesdays at 4 p.m. are still fine for a meeting time.

18. APPROVAL OF MINUTES

- November 3, 2021

Commissioner Kahn moved to approve the November 3, 2021, minutes as written. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

19. NEW BUSINESS - None

20. ADJOURN

Commissioner Yakovlev moved to adjourn the meeting at 5:07 p.m. Commissioner Kahn seconded. The motion passed unanimously 2-0 and the meeting was adjourned.